

this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon it; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests only that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. In accordance with the Court's January 2, 2024, order, the United States will file contemporaneously a motion to maintain the seal with respect to documents filed prior to this notice, setting forth more particularly the reasons for its request.

A proposed order accompanies this notice.

Respectfully submitted,

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Dated: January 10, 2024

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that, on January 10, 2024, I caused the forgoing document, along with a proposed order, to be served via United States Postal Service, on relators' counsel at the following addresses:

David Berg
Berg & Androphy
3704 Travis Street
Houston, Texas 77002

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/s/ Ashley N. Bailey
ASHLEY N. BAILEY
Senior Trial Counsel

3. The seal be lifted as to all other matters occurring in this action after the date of this Order;

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. The parties shall serve all notices of appeal upon the United States;

6. All orders of this Court will be sent to the United States; and that

7. Should the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

SIGNED AND ENTERED this ___ day of _____, 2024 at El Paso, Texas.

THE HONORABLE KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE